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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,430	08/15/2003	Peter C. Williams	22188/06671	9883

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CALFEE HALTER & GRISWOLD, LLP
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CLEVELAND, OH 44114

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/642,430	Applicant(s) WILLIAMS, PETER C.	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/25/06 & 9/28/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 45,46,50,51 and 53-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 8, 11, 14, 16-18, 20-24, 28-29, 32, 36, 38, 42, 47-48, 60, 62-63 and 65-66 is/are rejected.
- 7) ☒ Claim(s) 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,5,8,11,14,16-18,20-24,28,29,32,36,38,42,45-51,53-58,60,62,63,65 and 66.

DETAILED ACTION

Election/Restrictions

Claims 45-46, 50-51 and 53-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/7/05.

Drawings

The drawings were received on 9/25/06. These drawings are acceptable.

Specification

The disclosure is objected to because of the following informalities:

The amendment to the specification filed 9/25/06 incorrectly identifies the location of the paragraph to be replaced. The correct location is the last paragraph starting on page 26 and continuing on page 27.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The specification does not provide proper antecedent basis for the following: the subject matter of claim 49. It seems as though the angle alpha is

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not applicable to the elected embodiment, as is clear from FIG. 13 and FIG. 13A and the description thereof.

Claim Objections

Claims 1-2, 4-5, 8, 11, 14, 16-18, 20-24, 28-29, 32, 36, 38, 42, 47-49, 60, 62-63 and 65-66 are objected to because of the following informalities:

In claim 1, the preamble should be replaced with "A tube fitting assembly comprising:" for clarity.

In claim 1, line 4, the phrase "a fitting comprising" should be inserted before "a body".

In the preamble of each of claims 2, 4, 5, 8, 11, 14, 16-18, 20-24, 60, 62 and 65, "assembly" should be inserted after "fitting".

In claim 28, the preamble should be replaced with "A tube fitting assembly comprising:" for clarity.

In claim 28, line 4, the phrase "a fitting comprising" should be inserted before "a body".

In the preamble of each of claims 29, 32, 36, 38, 42, 47-49, 63 and 66, "assembly" should be inserted after "fitting".

Claim 49 depends on canceled claim 34.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 65 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recitation "wherein the tube end is radially compressed by the ferrule, the radial compression of the tube end decreasing in a generally axial direction away from said front edge of the ferrule along the length of said interior wall" is considered to constitute new matter not supported by the original disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 8, 11, 14, 16-18, 20-24, 28-29, 32, 36, 38, 42, 47-48, 60, 62-63 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (US 6,131,963) in view of Spontelli (US 4,076,286).

The Williams fitting discloses the claimed device, including a body (16, 116) having an interior bore, the bore having a camming surface at one end,

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except for the particular angle of the camming surface on the body. Spontelli discloses a similar pipe joint wherein the camming surface on the body is between 30 and 50 degrees (col. 5, ll. 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the camming surface angle of Williams et al to be at an angle of 45 degrees as taught by Spontelli, in order to provide a more secure coupling for the inserted tube by optimizing the resultant compressive forces between the ferrule and camming surface.

With respect to claim 16, the size of the tube being at least 0.5 inches is a feature that is considered old and well known in the pipe coupling art such that one of ordinary skill in the art would readily recognize that pipes are routinely sized according to the desired need. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known size on the basis of its suitability for the intended use as a matter of obvious design choice.

With respect to claims 62 and 63, Williams et al fails to teach that the tube is a stainless steel tube. Stainless steel tubes are considered old and well known in the pipe coupling art. The selection of stainless steel in order to avoid corrosion is known. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Response to Arguments

Applicant's arguments filed 9/25/06 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

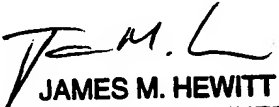
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
12/11/06


JAMES M. HEWITT
PRIMARY EXAMINER